

1 **COGBURN LAW OFFICES**

2 Jamie S. Cogburn, Esq.

3 Nevada Bar No. 8409

4 jsc@cogburnlaw.com

5 Joshua A. Dowling, Esq.

6 Nevada Bar No. 12956

7 jdowling@cogburnlaw.com

8 2879 St. Rose Parkway, Ste. 200

9 Henderson, Nevada 89052

10 Telephone: (702) 384-3616

11 Facsimile: (702) 966-3880

12 *Attorneys for Plaintiff*

13

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT COURT OF NEVADA**

16 JUSTIN M. CAHILL, an individual;

17 Plaintiff,

18 vs.

19 LARRY A. KENT, an individual; DOE Individuals
20 1-10; and ROE Corporations 11-20;

21 Defendant.

22 Case Number: 2:15-cv-00468-RFB-CWH

23 **STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINE FOR
LIMITED PURPOSE OF TAKING
DEPOSITIONS**

24 Plaintiff, Justin Cahill, by and through his attorney of record, Jamie S. Cogburn, Esq.,
25 and Joshua A. Dowling, Esq. of Cogburn Law Offices and Defendant, Larry Kent, by and
26 through his attorney of record, George M. Ranalli, Esq. and Lawrence Phillips, Esq. with Ranalli
27 & Zaniel and Rahul Kulkami, Esq. of Wilson, Elser Moskowitz Edelman & Dicker, LLP, hereby
28 stipulate and agree as follows:

29 **1. NATURE OF THE ACTION:**

30 This is an action for personal injuries arising from an incident occurring on February 13,
31 2013. Defendant operated a Utility Task Vehicle (UTV), with Plaintiff as his passenger, for the
32 purpose of performing a test drive. Following said test drive, Defendant attempted to drive the
33 UTV onto his truck's trailer. Specifically, Defendant accelerated the UTV causing it to travel
34 over the front of his trailer and roll onto the ground. As a result, Plaintiff's right hand and wrist
35

were crushed between the UTV and the ground. Plaintiff was then administered first aid due to the immediately apparent severity of his injuries. Thereafter, emergency medical personnel arrived and placed Plaintiff on a gurney and transported him via ambulance to the hospital where he was treated for severe and disfiguring right hand injuries. Plaintiff claims severe and extensive injuries and damages as a result of the subject incident.

2. DISCOVERY THAT HAS BEEN COMPLETED:

The parties have exchanged FRCP 26(f) disclosures of documentary evidence and witnesses, inclusive of Plaintiff's treatment records. In addition, the parties have completed the following written discovery and depositions:

Plaintiff, Justin Cahill:

- Interrogatories to Defendant Larry Kent;
 - Defendant Responded
 - Supplemental Responses
- Request for Production of Documents to Defendant Larry Kent;
 - Defendant Responded
- Request for Admissions to Defendant Larry Kent; and
 - Defendant Responded
 - Supplemental Responses
- Deposition of Defendant, Larry Kent.

Defendant, Larry Kent:

- Interrogatories to Plaintiff, Justin Cahill;
 - Plaintiff Responded
 - Supplemental Responses
- Request for Production of Documents to Plaintiff, Justin Cahill;

- Plaintiff Responded
- Supplemental Responses

- Request for Admissions to Plaintiff, Justin Cahill;
 - Plaintiff Responded
- Deposition of Plaintiff, Justin Cahill;
- Deposition of Robert Winegarden;
- Deposition of Expert, Bill Uhl;
- Deposition of Expert Stan Smith;
- Deposition of Expert Steven Becker; and
- Deposition of Expert Colby Young, M.D.

3. A SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED.

- Deposition of Expert Carl Williams, Jr.;
- Deposition of PMK of Co-Operators Insurance;
- Deposition of Adjuster of Co-Operators Insurance; and
- Deposition of Expert Timothy Logsdon.

4. THE REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCVOERY ORDER.

The parties have diligently worked on discovery in this matter. Currently, the discovery is set to close on February 11. All depositions were scheduled to take place before the discovery deadline; however, Plaintiff's office requested new dates to take expert, Timothy Logsdon's deposition as lead counsel for the Plaintiff has been out of the office due to having pneumonia. Defendant's counsel provided new dates of availability for Timothy Logsdon, which are after the discovery deadline. The parties agreed the deposition of Timothy Logsdon would take place on March 30, 2016. Additionally, Plaintiff's counsel has been attempting to take the deposition of

1 the 30(b)(6) and/or adjuster for Co-Operators Insurance based upon the loss or destruction of
2 Defendant's recorded statement. However, recently Defendant disclosed a purported summary
3 of the above-mentioned recorded statement which does not identify the documents author or
4 when it was created. As a result, after lengthy discussions between counsel, it has been agreed
5 the depositions of the insurance adjuster who took a recorded statement of Defendant, Larry
6 Kent and Canadian Co-Operators Insurance FRCP 30(b)(6) witness will be necessary.
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8 **5. THE PROPOSED SCHEDULE FOR COMPLETING THE DEPOSITIONS OF**
9 **TIMOTHY LOGSDON, THE CORPORATE REPRESENTATIVE FOR**
10 **CANADIAN CO-OPERATORS INSURANCE AND THE ADJUSTER FOR**
11 **CANADIAN CO-OPERATORS INSURANCE**

12 The parties would like to extend the deadline for discovery to be completed to April 1,
13 2016, for the limited purpose of completing the depositions of Timothy Logsdon, Canadian Co-
14 Operators Insurance's FRCP 30(b)(6) corporate representative, and the adjuster from Canadian
15 Co-Operators Insurance who authored the purported summary of Defendant's recorded
16 statement. All other discovery would still be required to be completed by February 11, 2016.

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1 **CURRENT TRIAL DATE:**

2 There is no current trial date set.

3 All parties to this matter have agreed to the above terms of the stipulation and the dates of
4 the extension currently sought.

5 DATED this 10th day of February, 2016

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7 DATED this 10th day of February, 2016

8 /s/ Jamie S. Cogburn

9 Jamie S. Cogburn, Esq.
10 Nevada Bar No. 8409
11 Joshua A. Dowling, Esq.
12 Nevada Bar No. 12956
13 2879 St. Rose Parkway, Suite 200
14 Henderson, NV 89052
15 Attorneys for Plaintiff

16 /s/ Lawrence R. Phillips

17 George M. Ranalli, Esq.
18 Nevada Bar No.: 5748
19 Lawrence R. Phillips, Esq.
20 Nevada Bar No.:7138
21 2400 West Horizon Ridge Parkway
22 Henderson, NV 89052
23 Attorneys for Defendant

24 DATED this 10th day of February, 2016

25 /s/ Rahul Kulkarni

26 Rahul Kulkarni, Esq.
27 Nevada Bar No.: 10650
28 300 South Fourth Street – 11th Floor
29 Las Vegas, Nevada 89101
30 Attorney for Defendant

